

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Reclassification of License of
Station WSTR(FM)
Smyrna, Georgia

RM-10635

ORDER TO SHOW CAUSE

Adopted: January 29, 2003

Released: January 31, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a petition for rule making filed by SSR Communications Incorporated ("SSR") seeking to amend the FM Table of Allotments by allotting FM Channel 230A to Opelika, Alabama as its second local FM transmission service. This allotment would result in a short spacing to Station WSTR(FM), Smyrna, Georgia, Channel 231C. SSR claims that, in order to meet spacing requirements to Station WSTR, that station must be reclassified as a Class C facility. Station WSTR currently operates on Channel 231C with effective radiated power (ERP) of 100 kilowatts and antenna height above average terrain (HAAT) of 311 meters. The station is operating below the minimum Class C antenna height requirement of 451 meters in HAAT. SSR asserts that because Station WSTR is operating below minimum Class C standards, it is subject to reclassification as a Class C facility pursuant to the triggering procedures adopted recently by the Commission¹ and outlined in note 2 to Section 1.420(g) and note 4 to Section 73.3573 of the Commission's Rules. SSR states that if Station WSTR operates as a Class C facility, any short-spacing between Station WSTR and the proposed use of Channel 230A at SSR's proposed allotment site would be eliminated. For the reasons discussed below, we are issuing this *Order To Show Cause* directed to Jefferson-Pilot Communications Company of Georgia, the licensee of Station WSTR(FM), Smyrna, Georgia.

2. Pursuant to the reclassification procedures set forth in the *Second Report and Order, supra*, and note 2 of Section 1.420 (g) of the Commission's Rules, the reclassification of a Class C FM station to a Class C facility may be initiated through the filing of an original petition for amendment of the FM Table of Allotments. In those instances in which a triggering petition proposes an amendment or amendments to the FM Table of Allotments in addition to the proposed reclassification, the Commission will issue an order to show cause as set forth in Note 4 to Section 73.3573 of the Rules, and a notice of proposed rule making will be issued only after the reclassification issue is resolved. In order to comply with the foregoing reclassification procedures, it is first necessary to issue this *Order to Show Cause* directed to Jefferson-Pilot Communications Company of Georgia, to show cause why its Station WSTR(FM) license should not be modified to specify operation on Channel 231C0 in lieu of Channel 231C at Smyrna, Georgia. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's

¹ See *Second Report and Order in 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 15 FCC Rcd 21649 (2000) ("*Second Report and Order*").

Rules.’ In this instance, the reclassification of Station WSTR(FM) as a Class CO station at Smyrna, Georgia, will accommodate the allotment of Channel 230A to Opelika, Alabama, as proposed by SSR. We consider this allotment of Channel 230A to Opelika to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station WSTR(FM) license at Smyrna can be modified to allow the reclassification of Channel 231C to Channel 231C0 at its currently authorized transmitter site.’ Pursuant to Section 1.87 of the Commission’s Rules, Jefferson-Pilot Communications Company of Georgia may, no later than March 17, 2003, file a written statement showing with particularity why its construction permit should not be modified as proposed in this **Order to Show Cause**. The Commission may call upon the licensee to furnish additional information. If the licensee raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the modification is found to be in the public interest.

4. Accordingly, **IT IS ORDERED**, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Jefferson-Pilot Communications Company of Georgia, licensee of Station WSTR(FM), Smyrna, Georgia, **SHALL SHOW CAUSE** why its license should not be modified to specify operation as a Class CO station on Channel 231C0, Smyrna, Georgia.

5. **IT IS FURTHER ORDERED**, That the Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, **SHALL SEND** a copy of this **Order to Show Cause** by Certified Mail, Return Receipt Requested, to the following licensee:

Jefferson-Pilot Communications Company of Georgia
100 N. Greene St.
Greensboro, North Carolina 27401

6. Any response to this proposed reclassification may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight **U.S.** Postal Service mail (although we continue to experience delays in receiving **U.S.** Postal Service mail). The Commission’s contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes must be disposed of before entering the building. Commercial overnight mail (other than **U.S.** Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. **U.S.** Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

² See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

³ The reference coordinates for Channel 231C at Smyrna are 33-45-35 **NL** and 84-20-07 **WL**.

7. For further information concerning this proceeding, contact R. Barthen Gorman, Mass Media Bureau, (202)418-2180,

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau